

IN THE MATTER OF:

Ron Pietersma, dba Legend Dairy Farms #2
9811 Edison Avenue
Ontario, CA 91762
NPDES General Permit # CAG018001

) Docket No. CWA-309(a)-11-027
) **Findings of Violation and
Order for Compliance**
)
) Proceedings under sections 308(a) and 309(a) of
) the Clean Water Act, as amended,
) 33 U.S.C. §§ 1318(a) and 1319(a)

**FINDINGS OF VIOLATION
AND
ORDER FOR COMPLIANCE**

The following Findings of Violation are made and Order for Compliance (Order) issued pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Sections 308(a) and 309(a)(3), (a)(4), and (a)(5)(A) of the Clean Water Act, as amended (the Act or CWA), 33 U.S.C. §§ 1318(a), and 1319(a)(3), (a)(4), and (a)(5)(A). This authority has been delegated to the Regional Administrator of EPA, Region 9, and re-delegated by the Regional Administrator to the Director of the Water Division of EPA, Region 9. Notice of this action has been given to the State of California.

STATUTORY AND REGULATORY BACKGROUND

Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters of the United States, except in compliance with the Act, including Section 402, 33 U.S.C. § 1342, which establishes the National Pollutant Discharge Elimination System (NPDES) program.

1. Concentrated animal feeding operations (CAFOs), as defined at 40 CFR § 122.23, are point sources subject to the NPDES permit program.
2. Under Section 402, 33 U.S.C. § 1342, EPA and states with EPA-approved NPDES programs are authorized to issue permits governing the discharge of pollutants from regulated sources. The State of California has an EPA-approved NPDES program, and issues permits, including permits for concentrated animal feeding operations, through its State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards. In 2007, California Regional Water Quality Control Board, Santa Ana Region (Regional Board), issued "General Waste Discharge Requirements for Concentrated Animal Feeding Operations (Dairies and Related Facilities) within the Santa Ana Region," Order No. R8-2007-0001, NPDES No. CAG018001 (the General Permit).

3. The General Permit provides that the permittee shall design, construct and maintain containment structures to retain all wastewater within the facility, including all process wastewater and all precipitation on, and drainage through, manured areas resulting from rainfall up to and including a 25-year, 24-hour rainfall event. (General Permit, Provision VII C.3.a)
4. The General Permit provides that the permittee shall develop and fully implement an Engineered Waste Management Plan (EWMP) acceptable to the Regional Board and prepared in accordance with the Guidelines for the Development of Engineered Waste Management Plans for Concentrated Animal Feeding Operations (Dairies and Related Facilities), February 2001, or any more recent version. All structures identified in the EWMP shall be designed by a registered professional engineer, or other qualified individual. Upon completion of construction of all structures identified in the EWMP, the discharger shall submit a certification from the engineer or other qualified individual who prepared the EWMP that all facilities have been constructed as specified in the EWMP. (General Permit, Provision VII C.3.b)
5. The General Permit provides that the permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this order that has a reasonable likelihood of adversely affecting human health or the environment. (General Permit, Attachment A-Standard Provisions, Paragraph I.C)
6. The General Permit provides that a permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the General Permit. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee when necessary to achieve compliance with the conditions of the General Permit. (General Permit, Attachment A-Standard Provisions, Paragraph I.D)
7. The General Permit provides that a permittee shall comply with the Monitoring and Reporting Program requirements in Attachment B of this order. (General Permit, Provision VII B)
8. The General Permit provides that all monitoring data shall be maintained for at least five years and shall be made available to Regional Board, SWRCB, EPA staff and/or their authorized representatives (including an authorized contractor acting as their representative), upon request. (General Permit, Attachment B - Monitoring and Reporting Program, I.A)
9. The General Permit provides that all containment structures, including, but not limited to, ponds, berms, and wastewater distribution lines, shall be inspected at least once each

week during the entire year and at least once each 24-hour period during a storm event in which rainfall exceeds 0.5 inches in 24 hours. (General Permit, Attachment B - Monitoring and Reporting Program, I.B)

FACTUAL BACKGROUND

10. Mr. Ron Pietersma (Respondent) operates a dairy known as "Legend Dairy Farms #2" at 9811 Edison Avenue, Ontario, CA 91762 (the Facility).
11. The Facility is a CAFO as defined in the General Permit and in 40 CFR § 122.23.
12. Respondent submitted a notice of intent to comply (NOI) with the General Permit to the Regional Board on January 15, 2010, and is subject to the terms and conditions of the General Permit.

FINDINGS OF VIOLATION

13. On December 9, 2010, an authorized representative of the Regional Board inspected the Facility to determine its compliance with the General Permit. The findings of this inspection are documented in a report dated February 2, 2011. The inspectors' observations included, but were not limited to, the following:
 - a. the EWMP was not fully implemented;
 - b. containment structures were not adequately maintained;
 - c. impoundments lacked depth markers; and
 - d. vegetation growth was uncontrolled in lagoon.
14. Based upon that inspection, and the review of documents related to Legend Dairy Farms #2, EPA has determined the following findings of violation:
 - a. In violation of General Permit Provisions VII.C.3.b, Respondent failed to adequately develop, properly certify and/or fully implement an EWMP.
 - b. In violation of General Permit Attachment A – Standard Provision I.C, Respondent failed to take all reasonable steps to minimize or prevent any discharge in violation of the General Permit that has a reasonable likelihood of adversely affecting human health and the environment.
 - c. In violation of General Permit Attachment A – Standard Provision, I.D, Respondent failed to properly operate and maintain all facilities and systems of

treatment and control to achieve compliance with the conditions of the General Permit.

15. By failing to comply with the General Permit, Respondent has violated a condition or limitation in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

ORDER FOR COMPLIANCE

Under section 308(a) of the Act, 33 U.S.C. § 1318(a), EPA may require reports and information from the owner or operator of a point source for purposes of determining compliance with the Act's requirements or carrying out the NPDES program. Under section 309(a) of the Act, 33 U.S.C. § 1319(a), EPA may, upon finding a person in violation of specific sections of the Act, issue an administrative order for compliance. Based on the foregoing Findings and pursuant to sections 308(a) and 309(a) of the Act, EPA hereby orders Respondent to comply with sections 301(a) and 402 of the Act, 33 U.S.C. §§ 1311(a), 1342, and with the following requirements:

16. Immediately upon receipt of this Order, Respondent shall take all necessary measures to achieve consistent and continuous compliance with all terms and conditions of Order No. R8-2007-0001 and NPDES Permit Number CAG018001.
17. By December 31, 2011, Respondent shall provide to EPA and to the Regional Board:
- a. the most recent version of the EWMP developed for the Facility, including any modifications to the EWMP necessary to comply with the General Permit and this Order;
 - b. a report stating: (1) whether the EWMP submitted pursuant to the preceding paragraph is being fully implemented, and, (2) if the EWMP is not being fully implemented, what additional actions Respondent proposes in order to implement the EWMP, and the schedule by which those actions will be completed;
 - c. a statement assuring EPA and the State that the Respondent will take all reasonable steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment, in compliance with the General Permit Attachment A – Standard Provision I.C. and this Order;
 - d. a statement assuring EPA and the State that the Respondent will at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used, in compliance with the General Permit Attachment A- Standard Provision I.D. and this Order; and

- e. any other information that Respondent wants EPA to consider.
18. By December 31, 2011, Respondent shall submit a report explaining how each of the deficiencies noted during the inspection and summarized in Paragraph 13, above, will be/has been addressed. To the extent that information responsive to this request has been provided in response to another request in this Order, Respondent can simply direct EPA to where that information has been provided rather than providing the same information twice.
19. EPA and/or the Regional Board may require Respondent to make modifications to the EWMP. Unless otherwise specified by EPA or the Regional Board, Respondent shall, within fifteen (15) days of receipt of comments from EPA or the Regional Board, incorporate the modifications into the EWMP and implement the modifications.
20. By December 31, 2011, Respondent shall submit a report to EPA that includes the following:
- a. A description, along with supporting documents (to the extent such documents exist), of the Facility's history as a dairy/cattle operation, including its dates of operation, the identity of its owner(s) and operator(s) since it began operation, and the identity of the prior owner(s) and operator(s), and whether the current owner(s) and operator(s) is an individual, a partnership, a limited liability company, a corporation, or some other legal entity;
 - b. A description, along with supporting documents (to the extent such documents exist), of the Facility's maintenance practices during the past five years with respect to removal of solids from lagoons and basins and with respect to cleaning of corrals, including but not limited to the frequency of solids removal and corral cleaning and the disposal location for manure solids;
 - c. A description, along with supporting documents (to the extent such documents exist), of the history of all maintenance and construction activity at the Facility over the past five years with respect to all berms and containment structures (including dates of construction and modification) used to prevent process wastewater and corral runoff from leaving the confines of the Facility (including internal communications, design and construction documents, location maps, contracts, invoices for construction or repair, drawings, correspondence, and consultant reports);
 - d. An accounting, along with supporting documentation (to the extent such documents exist), of the animal population, including but not limited to mature dairy cows (milked or dry), heifers, steers, bulls, and cow/calf pairs, confined or stabled at the Facility over the past five years;

- e. any other information that Respondent wants EPA to consider.
18. By December 31, 2011, Respondent shall submit a report explaining how each of the deficiencies noted during the inspection and summarized in Paragraph 13, above, will be/has been addressed. To the extent that information responsive to this request has been provided in response to another request in this Order, Respondent can simply direct EPA to where that information has been provided rather than providing the same information twice.
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 - b. A description, along with supporting documents (to the extent such documents exist), of the Facility's maintenance practices during the past five years with respect to removal of solids from lagoons and basins and with respect to cleaning of corrals, including but not limited to the frequency of solids removal and corral cleaning and the disposal location for manure solids;
 - c. A description, along with supporting documents (to the extent such documents exist), of the history of all maintenance and construction activity at the Facility over the past five years with respect to all berms and containment structures (including dates of construction and modification) used to prevent process wastewater and corral runoff from leaving the confines of the Facility (including internal communications, design and construction documents, location maps, contracts, invoices for construction or repair, drawings, correspondence, and consultant reports);
 - d. An accounting, along with supporting documentation (to the extent such documents exist), of the animal population, including but not limited to mature dairy cows (milked or dry), heifers, steers, bulls, and cow/calf pairs, confined or stabled at the Facility over the past five years;

information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

23. All submittals made pursuant to this Order shall be mailed to the following addresses:

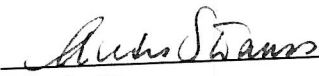
Ken Greenberg
U.S. Environmental Protection Agency
CWA Compliance Office (WTR-7)
75 Hawthorne Street
San Francisco, CA 94105

Stephen D. Mayville
California Regional Water Quality Control Board,
Santa Ana Region
3737 Main St., Suite 500
Riverside, CA 92501

24. Requests for information contained within this Order are not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. § 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. § 3518(c)(1) and 5 CFR § 1320.4(a)(2).
25. EPA has promulgated regulations to protect the confidentiality of the business information it receives at 40 CFR Part 2, Subpart B. A claim of business confidentiality may be asserted in the manner specified by 40 CFR § 2.203(b) for all or part of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 CFR Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. Respondent may not withhold from EPA any information on the grounds that it is confidential business information.
26. This Order does not in any way waive or modify Respondent's responsibility and obligation to ascertain and comply with all applicable federal, state, tribal, or local laws, regulations, ordinances, permits or licenses.
27. Issuance of this Order shall not be deemed an election by EPA to forego any remedies available to it under the law, including without limitation any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act. EPA reserves all rights and remedies, legal and equitable, available to enforce any violation cited in this Order and to enforce this Order.

28. Section 309(a), (b), (d) and (g), of the Act, 33 U.S.C. § 1319(a), (b), (d) and (g), provides administrative and/or civil judicial relief for failure to comply with the Act. In addition, section 309(c) of the Act, 33U.S.C. §1319(c), provides criminal sanctions for negligent or knowing violations of the Act, and for knowingly making false statements.
29. This Order is not a permit under the Act, and does not waive or modify Respondent's obligation and responsibility to ascertain and comply with all applicable federal, state, or local laws, regulations, ordinances, permits or licenses.
30. This Order shall be binding upon Respondent and its officers, directors, agents, employees, heirs, successors and assigns.
31. This Order shall become effective upon the date of receipt by Respondent.

Date: 22 September 2011



Alexis Strauss
Director, Water Division
U.S. Environmental Protection Agency
Region IX



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JUL 23 2012

CERTIFIED MAIL 7008 3230 0000 3863 1161
RETURN RECEIPT REQUESTED

Ron Pietersma, dba Legend Dairy Farms #2
9811 Edison Avenue
Ontario, CA 91762

SUBJ: Information Request - Section 308 of the Clean Water Act
Re: Docket No. CWA-309(a)-11-027

Dear Mr. Pietersma:

On September 22, 2011, the United States Environmental Protection Agency (EPA) issued you an Administrative Order, docket no. CWA-309(a)-11-027 (Order). Pursuant to EPA's information gathering authority under Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the Order included requests for certain information about your Facility (Initial Request). We appreciate your December 31, 2011 submittal (December Submittal), which provided information in response to the Initial Request; however, EPA and the California Regional Water Quality Control Board for the Santa Ana Region have found that you failed to provide all of the information that EPA sought in the Initial Request. Pursuant to its authority under CWA Section 308, EPA hereby requests that you provide the information set forth in Enclosure 1.

You are required to respond to this information request within fourteen (14) calendar days of receipt of this letter. In addition, all information submitted must be accompanied by the following certification signed by you, your responsible corporate officer, or duly authorized representative in accordance with 40 C.F.R. § 122.22:

I certify under penalty of law that this submission was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations under the Clean Water Act and 18 U.S.C. § 1001.

Failure to comply with this Information Request can result in enforcement action for appropriate relief and penalties under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Information Request does not relieve you of your obligation to comply with the CWA or other applicable laws and permits.

You may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 CFR Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 CFR § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized under 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

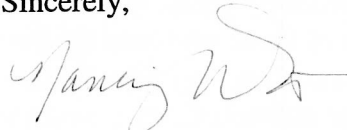
Also enclosed is a document entitled U.S. EPA Small Business Resources-Information Sheet which may assist you in understanding the compliance assistance resources and tools available to you. However, any decision to seek compliance assistance at this time does not relieve you of your obligations to EPA or the State, does not create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action.

Please submit your response to:

U.S. Environmental Protection Agency, Region 9
CWA Compliance Office (WTR-7)
Attention: Ken Greenberg
75 Hawthorne Street
San Francisco, CA 94105-3901

Thank you for your cooperation and prompt attention to this matter. If you have questions regarding the Information Request, please contact Glenn Sakamoto at (415) 972-3556 or refer legal questions to Michael Massey of the Office of Regional Counsel at (415) 972-3034.

Sincerely,



Nancy Woo
Acting Director, Water Division

Enclosures (2)

cc with Enclosures:

Stephen Mayville, Chief, Enforcement and Dairy Units, RWQCB, Santa Ana Region

ENCLOSURE 1

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to and segregate responsive documents by each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if written documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may supply it in place of a written answer by appropriately identifying the document as answering a specific numbered question.
5. Identification of a Person. Whenever requested to identify a person, state:
 - a. as to an individual: the individual's full name, contact information, and last known employer;
 - b. as to a corporation: its full name and contact information; and
 - c. as to a person other than an individual or a corporation: its official name, organizational form, and contact information.
6. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
7. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.

DEFINITIONS

The following terms shall have the following definitions for this Information Request:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, emails electronically stored or hardcopy, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts,

agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.

2. "Person" means any entity, however denominated. The term includes, without limitation, any individual, firm, corporation, governmental entity, partnership, association, sole proprietorship, trust estate, board, and committee.
3. "Facility" means Legend Dairy Farms #2, located at 9811 Edison Avenue in Ontario, CA.
4. "You" means Legend Dairy Farms #2, located at 9811 Edison Avenue in Ontario, CA.

INFORMATION REQUEST

The following information sought by EPA in the Initial Request was not addressed adequately in your December Submittal. Provided below is the information sought in the Initial Request and a description of the supplemental information that you are now being asked to submit pursuant to Section 308 of the CWA. You are required to respond to this information request within fourteen (14) calendar days of receipt of this letter.

1. In Paragraph 17.a., EPA requests that you submit "the most recent version of the EWMP developed for the Facility, including any modifications to the EWMP necessary to comply with the General Permit and this Order."

You failed to submit an EWMP to EPA. Please submit the most recent EWMP. If you have completed but have not yet submitted your EWMP to the state, indicate that your final EWMP has been completed as required by the Santa Ana Regional Water Quality Control Board and indicate the date that it will be provided to both the state and to EPA.

2. In Paragraph 18, EPA requests that you submit a "report explaining how each of the deficiencies noted during the inspection and summarized in Paragraph 13 of the Order will be/has been addressed."

Paragraph 13 of the Order cited four deficiencies:

- a. The EWMP was not fully implemented;
- b. Containment structures were not adequately maintained;
- c. Impoundment lacked depth markers; and
- d. Vegetation growth was uncontrolled in lagoon.

While your December Submittal does address some of these issues, it is unclear what activities are being planned to specifically address each deficiency, in particular deficiencies "a," "b," and "d" noted above. Please submit a more specific report addressing each of these issues. This report should describe specific actions and provide an estimated date for addressing each deficiency.

3. In Paragraph 20.b., EPA requests that you provide a “description, along with supporting documents (to the extent such documents exist), of the Facility’s maintenance practices during the past five years with respect to removal of solids from lagoons and basins and with respect to cleaning of corrals, including but not limited to the frequency of solids removal and corral cleaning and the disposal location for manure solids.”

Your December Submittal provided information on corral clean outs but excluded any available information on your lagoon and basin maintenance practices over the past five years. Please describe your lagoon and basin maintenance practices over the past five years and provide any available supporting documentation regarding these activities. Please include when the work was done and details of what was done. If no documentation exists to support your response, please confirm that fact and briefly explain why.

4. In Paragraph 20.e. EPA requests that you submit the “number of days that animals at the Facility have been stabled or confined and fed during each month during the past five years.”

Your December Submittal did not provide the actual number of days the animals have been stabled or confined. Please provide EPA with the requested information. If no documentation exists to support your response, please confirm that fact and briefly explain why.

5. In Paragraph 20.g. EPA requests that you submit “records of all monitoring conducted over the last five years” in accordance with the requirements in General Permit Attachment B – Monitoring and Reporting Program” (Note- this includes the following reports: CAFO Weekly Storm Water Management Structure Inspections Log Sheet, B-5; Annual Summary Report of CAFO Weekly Storm Water Management Structure Inspections, B-12; Annual Report of Animal Waste Discharge, B-13; and Manure Tracking Manifest, B-15.

Your December Submittal failed to provide each of the above records directly to EPA as requested. Referring EPA to records you submitted to the Santa Ana Regional Water Quality Control Board will not satisfy this requirement to submit records directly to EPA. Please provide each of the items to EPA as described above.

6. In Paragraph 20.h., EPA requests that you submit “all documentation of weekly inspections of containment structures and all documentation of containment structures” such as the vegetative condition of the berm and presence of any animal burrow holes in each 24-hour period during a storm event in which rainfall exceeds 0.5 inches in 24 hours”

Your December Submittal did not provide the appropriate documentation of your weekly inspections of containment structures along with all documentation to EPA as requested. Please provide EPA with the requested information. If inspections did occur but written inspection reports do not exist, confirm that no inspection reports exist and identify which state staff conducted these inspections and at what frequency.

7. In Paragraph 21.c., EPA requests that you submit the costs for revising your monitoring program.

Your December Submittal states that this work will be done by the employees and operator and “will not require a substantial cost” but did not provide an actual cost amount for your monitoring program. Please submit an actual cost amount.

8. In Paragraph 21.d., EPA requests that you submit the capital improvement costs for your monitoring program.

Your December Submittal did not provide the actual (capital?) cost amount. Please submit the actual capital cost amount for improvements to your monitoring program.



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201. In most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, **administrative or civil complaints, other enforcement actions or communications.** The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.